IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22036 of 2004

Between:

P. Santhosh Kumar, S/o. Sri Saibaba,
R/o. LIG, Block 42, Flat No.1, Baghlingampalli, Hyderabad.

..... PETITIONER

AND

1 The A.P. Housing Board, Rep. by its Vice Chairman and Housing

Commissioner, Ist Floor, Gruhakalpa, MJ Road, Nampally, Hyderabad.
2 The A.P. Housing Board, Rep. by its Executive Enginner (Housing),
South Division, 13th Floor, Gagan Vihar, MJ Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondent in issuing Notification No.1/2321/HD/EE(S)/2004, dated 16-10-2004 in so far as Sl.No.4, (LIG Block No.47) Stray piece of land admeasuring 85.12 Sq. yards is concerned as arbitrary and illegal and in violation of the orders of this Hon'ble Court and also G.O.Ms.No.20, Housing, Municipal and Urban Development Department dt. 11-6-1984 and consequently direct the respondents to allot the said land to the petitioner on payment of market value in terms of G.O.Ms.No.20 dt. 11-6-1984.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondents: MR.J. PRABHAKAR

The Court at the stage of admission made the following:

ORDER:

Questioning the action of the 2nd respondent in issuing auction Notification No.1/2321/HD/EE(S)/2004, dated 16.10.2004 in so far as Sl.No.4 (LIG Block No.47) stray piece of land admeasuring 85.12 sq. yards is concerned and consequently to direct the respondents to allot the said land to the petitioner on payment of market value, the present writ petition is filed.

The grievance of the petitioner is that the subject land is situated adjacent to his land and the respondents-Housing Board without intimating and giving opportunity to him, and without giving wide publicity in newspapers, conducted auction of the land in question, and due to the said acts of the respondents-Housing Board he is not in a position to participate in the said auction.

Heard the learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents-Housing Board.

Learned Standing Counsel for the respondents-Housing Board, on instructions, submitted that the auction for the land in question was conducted after publishing due notification in Newspapers and in response thereto an offer at Rs.12,650/- per sq. yard was received from the third parties, who have also made some part payment, but, however, the sale is not yet confirmed.

At this stage learned counsel appearing on behalf of the petitioner submits that since the petitioner is the adjacent owner of the land in question, his request for allotment of the same may be considered, before confirmation of the sale.

However, both the counsel agreed to dispose of the writ petition with a direction to the petitioner to file an application before the respondents-Housing Board for consideration of his request before confirmation of the sale of land in question in the

name of third parties.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to file an application by 08.12.2004 before the respondents-Housing Board by indicating his offer of price to the auctioned plot in question. On filing such application, the respondents-Housing Board is directed to consider the same and pass appropriate orders in accordance with law, before confirming the sale of the plot in question.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 07.12.2004

Nsr

To

1 The Vice Chairman and Housing Commissioner,

A.P. Housing Board, Ist Floor, Gruhakalpa, MJ Road, Nampally,

Hyderabad.

2 The Executive Enginner (Housing),
A.P. Housing Board, South Division, 13th Floor, Gagan Vihar, MJ

Road, Hyderabad.

3 Two CD copies.